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12 Attorneys for Defendants
13 INTUITIVE SURGICAL, INC., BENJAMIN GONG, ALEKS
14 CUKIC, JEROME MCNAMARA, MARK J. RUBASH, GARY
15 GUTHART, MARSHALL MOHR, AND LONNIE SMITH

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 JACK PERLMUTTER, individually and on
20 behalf of all others similarly situated,

21 Plaintiffs,

22 v.

23 INTUITIVE SURGICAL, INC., BENJAMIN
24 GONG, ALEKS CUKIC, JEROME
25 MCNAMARA, MARK J. RUBASH, GARY
26 GUTHART, MARSHALL MOHR, AND
27 LONNIE SMITH,

28 Defendants.

Case No. CV-10-03451-LHK

**STIPULATION RE DATE TO FILE
AMENDED COMPLAINT AND MOTION
TO DISMISS AND ~~PROPOSED~~ ORDER**

1 WHEREAS on February 15, 2011, a lead plaintiff and lead counsel were appointed
2 pursuant to the Private Securities Litigation Reform Act of 1995 (the "Reform Act");

3 WHEREAS prior to that time there was no counsel with authority to negotiate with
4 defendants on behalf of the purported class;

5 WHEREAS in the approximately one month since lead counsel was appointed the parties
6 have met and conferred about the merits of the case;

7 WHEREAS the parties have shared documentary and other evidence regarding the merits
8 notwithstanding the discovery stay imposed by the Reform Act;

9 WHEREAS the parties are engaged in discussions in an attempt to resolve the case;

10 WHEREAS those discussions have been productive and the parties intend to continue to
11 meet, including, if appropriate, under the auspices of a private mediator;

12 WHEREAS the parties are mindful of the Court's desire to move this case toward
13 resolution;

14 WHEREAS the Court set the following schedule in its February 15, 2011 order:

15 Amended Complaint: April 1, 2011

16 Motion to Dismiss: May 16, 2011

17 Opposition: June 30, 2011

18 Reply: July 25, 2011

19 Motion Hearing and CMC August 11, 2011

20 WHEREAS a two week extension of time for filing an amended complaint (if any) and a
21 one week extension of time to file a motion to dismiss (if any) and the opposition thereto would
22 permit the parties to continue their discussions and potentially resolve the case;

23 WHEREAS the parties proposed schedule will not alter the hearing date on the motion to
24 dismiss or the dates for a reply brief to be filed; and

25 WHEREAS the parties to this Action agree that under the unique circumstances of this
26 case, justice and judicial economy will best be served if this Court approves the following
27 stipulated and agreed schedule.
28

IT IS THEREFORE STIPULATED, SUBJECT TO THE COURT'S APPROVAL:

The parties shall abide by the following deadlines:

Amended Complaint: April 16, 2011 (two weeks later than previously ordered)

Motion to Dismiss: May 23, 2011 (one week later than previously ordered)

Opposition: July 7, 2011 (one week later than previously ordered)

Reply: July 25, 2011 (no change)

Motion Hearing and CMC: August 11, 2011 (no change)

IT IS SO STIPULATED.

Dated: KEKER & VAN NEST LLP

By: /s/ Michael D. Celio
ROBERT A. VAN NEST
MICHAEL D. CELIO
SUYUN KIM
Attorneys for Defendants
INTUITIVE SURGICAL, INC., BENJAMIN GONG,
ALEKS CUKIC, JEROME MCNAMARA, MARK J.
RUBASH, GARY GUTHART, MARSHALL MOHR,
AND LONNIE SMITH.

Dated: ABRAHAM, FRUCHTER & TWERKSY

By: /s/ Ian Berg (by express permission)
IAN BERG
Attorneys for Lead Plaintiff
ST. LOUIS POLICE RETIREMENT SYSTEM

IT IS SO ORDERED.

Dated: March 24, 2011

By: Lucy H. Koh
LUCY H. KOH
UNITED STATES DISTRICT JUDGE